

REMARKS

Claims 1-3 are pending in this application. Claim 1 was rejected under 35 U.S.C. §103(a) over Kallio in view of Eng, and in further view of Olds. Claims 2 and 3 were rejected based on the same combination with the addition of Idnani and Feder, respectively. Claim 1 is currently amended. Reconsideration is respectfully requested.

The Office asserts that calibration request MAC (CRSP) message (700) of the Eng reference is analogous with the claimed Announce message. However, Eng fails to teach any sort of channel selection based on the calibration message (700). The only use for the calibration message taught by Eng that Applicant can find is for calibration response.¹ Nevertheless, Applicant has amended claim 1 to further emphasize distinctions from the cited references. In particular, Applicant has amended claim 1 to include further descriptive limitations to the Claim, Announce and Accept message elements. Support for the limitation describing the Claim message is in the specification at page 19. Support for the limitation describing the Announce message is in the specification at page 28. Support for the limitation describing the Accept message is in the specification at pp. 41-43 in the AP Auction section. It is believed that the absence of these features from the cited combination is self-evident.

¹ See paragraph 0102

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible. For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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